



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460**

**OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE**

**Summary of Comments Received on the  
“Interim Policy on the Use of Permanent Relocations as Part of  
Superfund Remedial Actions”**

**March 1, 2000**

**Interim Policy Issues**

- < The Interim Policy does a good job of placing the issues of permanent relocation in the context of the CERCLA decision making process.
- < EPA should not separate discussion of Interim Policy, the URA and Guidance documents used to implement URA.
- < If these documents are going to be separate, EPA should convene stakeholder roundtables to discuss the URA and implementation guidance that EPA is likely to use in the future.
- < Final policy should not be implemented prior to conclusion of pilot study being conducted at the Escambia Wood Treating Company site.
- < What engineering solutions are considered acceptable when a permanent relocation is not conducted? Are these engineering solutions unproven, educated guesses or tried and true?
- < Permanent relocation should be considered when an alternative under evaluation includes a temporary location expected to last longer than one year.
- < Background section of Interim Policy should include comments made by stakeholders that were concerned about the loss of property values and the deleterious effects that the site has on their ability to sell their homes, maintain income streams from their rental properties and home-based businesses.
- < A Real Estate Impact study should be designed for use during the Site Characterization or Remedial Investigation stages at all NPL sites. Information generated from this study should receive due consideration in the Feasibility Study Stage and subsequent Remedy Assessment and Selection Stages and factor significantly into EPA’s decision of whether or not to offer permanent relocation.
- < A Quality of Residential Life Study should be designed for use during Remedial Investigation Stage of all NPL sites. Information generated from this study should receive due consideration in Feasibility Study stage and subsequent Remedy Assessment and Selection stages and factor significantly into EPA’s decision of whether or not to offer permanent relocation.

- < Fair compensation and economic development opportunities language should be expanded and clarified in Interim Policy. Currently the existing standards of fair compensation and concern for community economic development are not being met in the National Relocation Pilot.
- < The majority of Superfund sites located in residential areas are being cleaned up without the need to permanently relocate residents and businesses. EPA and Responsible parties should be more willing to overcome obstacles to relocation and see that residents receive a good relocation. Residents should not be sacrificed to save money.
- < Proximity to NPL sites creates significant family disruption and medically harmful stress for the families that live there. These harmful impacts are not easily quantified as other health impacts, but residents believe EPA should expand its current notion of health effects to include this type of medically significant stress.
- < Permanent relocation should be considered whenever the site has a negative influence on the resident's quality of life. The following methods could be used to determine when relocation is appropriate: use a baseline risk assessment performed to assess the threats posed by the site; use any unexplained or anecdotal reports of health effects in the site area; and consider cumulative and synergistic effects of multiple contaminants from other industrial sources.
- < Relocation should be considered whenever cleanups result in dust emissions or heavy equipment in residential areas.
- < The Interim Policy incorporates the existing policy and practices and therefore, does not take any steps towards accomplishing a clear uniform standard in which to govern permanent relocation
- < The Interim Policy should provide uniform and equitable standards for a national relocation policy. The policy should have discrete criteria for selecting sites for permanent relocation.
- < The Interim Policy adopts a preference for remedial actions other than permanent relocation based on an improper interpretation of CERCLA and the NCP.
- < The Interim Policy fails to incorporate the statutory requirement to protect the public health and welfare under CERCLA.
- < The Interim Policy fails to incorporate the civil rights responsibilities of EPA under the 5<sup>th</sup> Amendment of the U.S. Constitution, Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968.
- < The Interim Policy does not provide for an adequate community involvement

process because it does not guarantee that the community has a meaningful voice which is incorporated as a part of the criteria utilized in the remedial selection process.

- < The Interim Policy fails to incorporate inter-agency cooperation as a part of the remedial selection process governing permanent relocation. The policy identifies certain agencies for purposes of inter-agency cooperation, however, it fails to specify any standards or criteria to implement such cooperation.
- < EPA and HUD should have an inter-agency policy to address remedial selection for Superfund sites near federally subsidized housing developments. A significant percentage of public housing developments are located within one mile of a Superfund site.
- < The Interim Policy should provide substantive criteria for “meaningful” community involvement during the remedial selection process for permanent relocation. The policy should determine at what stage the community becomes involved.
- < The Interim Policy does not indicate whether the community’s opportunity to speak through the Technical Assistance Grant Program and Community Advisory Groups carries any weight or consideration in the remedial selection process.
- < Emphasis on the community’s role reflects the sentiments expressed during the NEJAC subcommittee discussions.

#### **Technical Assistance Grants/Community Advisory Groups**

- < Relocation experts should be provided as soon as possible whenever relocation is being contemplated as a potential remedial alternative so the community can be better informed of their options before a decision is made.
- < EPA appointed relocation expert may lead to misguided trust issues.
- < TAG should be provided to residents and businesses to provide independent assistance before EPA makes a decision to relocate.
- < Separate CAG groups should be formed for residents whose health has been affected.

#### **Relocation Management**

- < More emphasis should be placed on local policy issues and land use issues.

- < A guidance document should be developed on lessons learned for the federal government, armed forces and local governments to use as a reference tool.
- < EPA should study sites that have been remediated with the community in place, where the resulting property values were stabilized or improved. EPA should factor these lessons learned into the Remedy Selection Process.
- < All EPA contractors should be required to attend sensitivity training.
- < EPA should not sole source relocation contracts to USACE. Competition for the implementation contracts must be introduced into the process by using competitive bids to drive down costs and improve performance.

#### **Rental Issues**

- < Renters that do not have a formal lease are having problems getting any relocation assistance. These people are just renting a room from someone and may or may not have rental receipts.
- < Renters are not able to receive moving expenses up-front.
- < Responsible apartment owners that have stopped renting in the area are not being reimbursed for lost rent.
- < Residency requirements should be more flexible. Ex: One woman that lived in this area for 22 years and moved out to purchase a home, but had to move back and was not given relocation assistance because she failed to meet the residency requirement cutoff date.

#### **Appraisal Process/Value of Properties**

- < Hazardous waste has a negative impact on home values. Property values should be estimated as if waste are not there.
- < EPA should implement the use of methodologies that consider diminishing property values.
- < Homeowners should be adequately or appropriately compensated by URA.
- < Homeowners should be allowed to see all appraisal documents used by the government to determine the purchase offer.
- < Local appraisers should be used to appraise properties. Local appraisers know the area, market values and know what the area was like pre-Superfund.

- < Land should be classified as commercial or residential. Properties zoned for multifamily units or business purposes should be classified as commercial property. United States Army Corp of Engineers (USACE) has not allowed the commercial designation to be used.
- < Citizens also believe they should be given commercial rates for properties, if there are plans to redevelop the site as an industrial/commercial area after cleanup.
- < USACE may have used maps that contained the wrong information. County maps and Tax maps have properties listed differently.
- < Master appraiser should be used to review all appraisals. A list 10 appraisers should be selected. Five should be recommended by the Community and the other five recommended by USACE. Each party would be allowed to select an appraiser from the list and the average of the two would be the official appraisal.
- < At sites where property values have negatively been affected and EPA chose not to relocate families, EPA should consider the addition of some Community Amenities ( neighborhood spruce-up, street repair, addition of street lights, landscaping etc) designed to stabilize or improve property values to the levels enjoyed before the discovery and notoriety of the site.
- < EPA should institute a Property Value Protection Program designed to augment homesale proceeds in the neighborhood until market forces bring property values back in line with comparable, proximate neighborhoods not stigmatized by the Site.

### **Eminent Domain**

- < Eminent domain is not appropriate. Homeowners should have more options.
- < Does eminent domain apply when there are no right away issues or public health issues? This point is in reference to vacant lots that have not been developed in the relocation area.
- < Landowners/Homeowners should have a choice of whether they want to retain ownership and allow the government to clean the property or sell the property to the government.
- < Highest and Best may not have to be used, if more options were available.

### **Advisory Services**

- < Homeowners should be advised throughout the entire home-ownership process to prevent deception and fraud. This includes supplying information on title insurance, home inspections, etc.

- < EPA should provide a comprehensive, narrative home inspection on the properties that relocating families are interested in. This inspection should serve the government by certifying that the home is decent, safe and sanitary and should serve the home-buyer by indicating all code violations and include professional judgements about the effective life or the homes major components.
- < EPA should work closely with the community to address their issues, involve the community in the decision making process and communicated openly and honestly.

### **Environmental Justice Issues**

- < EPA should give some thought on how to account for devaluation when applying the EJ order and what will it mean.
- < Homeowners and tenants should not be relocated to another EJ area. Should we try to lift the homeowners to another standard of living?
- < People should be relocated to communities that are desirable and more than just adequate places to live.
- < URA is only used when dealing with people of color. The relocation policy that is used to relocate military and government employees is more equitable and should be used for all U.S. citizens.

### **Displacement of Community**

- < How do you quantify the value of a community?
- < Multiple residents should be relocated in the same area or within a certain radius in order to maintain the connection of the community. This is possible with a small relocation, but not feasible for a relocation such as Escambia.
- < Permanent relocation could alter the fabric of a locality by affecting the local tax base and the services that the communities support, including small businesses, schools, churches and hospitals.
- < After a relocation, EPA should seek ways to enhance stability and restore the remaining community's viability by working with other governmental and nonprofit agencies.

### **Department of Defense Coordination**

- < EPA's position with federal facilities is unfair, unethical and illegal in regard to all Department of Defense (DOD) sites.

- < Implementation of EPA's Interim Relocation Policy by DOD has placed EPA in a subservient role in all decision making-matters relating to the Defense Depot Site in Memphis, TN and usurped EPA of its constitutionally derived mandate and authority.

### **Uniform Relocation Act**

- < Del Amo Relocation Model should be used as a template for examining the appropriateness of the URA.
- < URA fails to adequately accommodate for the impact the property owners experience from long term proximity to a Superfund site, since the appraisal methodology used was developed primarily to address future government actions (planned roadway expansion, etc.)
- < "Fair Market Value" should not be used to determine the Fair Program Value of properties involved in Superfund Relocation.
- < The current \$22,500 Relocation Differential Payment is a good component of the URA but it is applied in a discriminatory manner.
- < URA is currently too strict in the definitions it uses to determine the eligibility of renters for relocation benefits. Some guidelines need to be built in to the process that acknowledges de facto tenancy when that tenancy falls outside the pre-determined criteria for approved tenancy.
- < URA should be compared with private relocation policies.